Edn & P. H [1939) Department.

MS SERIES.

G.O. No. 25-29 P. H

Dated 17 7 39

[Despatch Abstract.]

Licence - Mangalore Municipality - Commonwealth Engineering Works - Outside Industrial area - Grant of licence Approved as a special case.

Epitk

Telegram: Express

To

Municipal Commissioner,
Mangalore

Memo. 20516-2E/34
[dated] 30-6-'39
[Please] issue temporary licence to [the] commonwealth engineering work, pending further examination and orders by Govt.

Yours faithfully,

P.S. (1)

Memo

dft/telegram ch/P.C.
Dy
11/7

U,
11/7

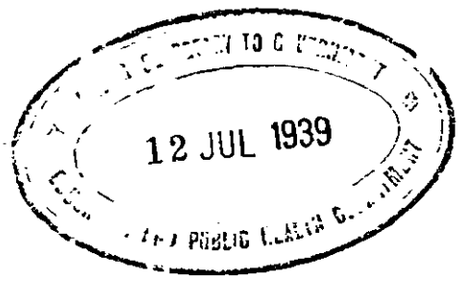
SRK
11/7

P.C. Offo

To

The Secretary,
Education & Public Health Department,
Government of Madras,
Fort St. George,
M A D R A S.

27726



Humble Memorial of:-

The Employees of The Commonwealth Trust, Ltd.,
Engineering Works,
M A N G A L O R E.

Most respectfully sheweth:-

Your memorialists who are employees of the Commonwealth Trust, Ltd., Engineering Works, were very much alarmed and pained when it was notified to them by the Manager of the Factory on Saturday evening last that the Factory would close on Monday the 10th instant and remain closed until further orders. They learn that the Manager was obliged to take this action as Government had refused permission to install a 32 H.P. Electric Motor in the premises, in respect of which the local Municipality had duly collected an installation fee and licence fees from June 1938 up to March 1940.

The decision of the Government and the Manager's action consequent on the said decision has thrown your memorialists out of employment without any notice and when the monsoon is at its height in the town. Your memorialists being daily workmen are not entitled to claim notice or salary in lieu of notice from the Factory, and they are now faced with starvation at the worst period of the season. Most of your memorialists are married men with families to support, and their pitiable condition cannot be described with any precision in this Memorial. They submit that Government will have a fair idea

P. T. O.

of what the closing of the Factory means when they consider that the 100 employees who are now thrown out of employment, each have a family of an average number of 5 souls, and now have no means whatsoever to support them. A large number of the employees who joined the Factory when they were very young, have now put in 25 or 30 years service, and they will have great difficulty in getting work elsewhere.

The memorialists also venture to submit that since the Factory began to work with an Electric Motor, the noise has been reduced to a minimum, and there is not any nuisance caused in the locality. The Government will also kindly consider the fact that the Factory has been working in the locality ever since 1865.

Your memorialists, therefore, submit that you may kindly place all the above facts before Government and permit the installation of the Electric Motor, for which the employees and members of their family, numbering over 500, will ever remain grateful.

We beg to remain,

Your obedient servants,

L. C. Bangera
A. M. Bangera.
J. Ullattil
Prabodan.
Lucas.
Antony Francis Roche
Bhagyanath Pillay

Representatives of the employees of
The Commonwealth Engineering Works,
Mangalore.

Mangalore,
10th July 1939.

4 / Edn 8PH

Mr W.H. Gunn, of the Commonwealth Engineering Works, Manufacturers of Steam Motor Cars, states that the works have been in existence at their present site since June 1935, and that until July 1938 they worked with Steam Power, with a Steam Engine Equivalent to 83 H.P.

The Steam Power was introduced as was stated, they installed an electric motor which replaced the Steam Engine, and it has not entailed any increase in the rates.

They have just had an order from the Commr. of the Manufactures Department saying that Govt. on their memo no. 20516-2. E.P.H. dated 30.6.38 have declined to grant permission for the Electric Motor.

The Electric installation has certainly been working under load, since July 1938, & now they have had suddenly an order to close down the whole works.

They naturally complain that having introduced a cleaner & less dangerous

S 2

[illegible] of power (Centre for Steam) they are holding [illegible], without notice, 180 men thrown out of work, Contracts held up, etc.

This with does all the manufacturing [illegible] etc for the Company's Coal works, & [illegible] which will also have to close down.

— Ill

11.7.39

I spoke to V.S. on the phone about this, and agreed that the Commr. Many other must be told by wire, to cancel a Company licence for continuing the work of the factory until the question is further examined. It cannot have been the intention of the Govt. that such works should be required to close down without notice

Ill 11.7.39

12 JUL 1939

I have taken necessary action in pursuance of Secy's telephone message above. Await return of file & addn to it as page 1 of note file.

2107

Fam 1566/7

Extract of Legal Department's note on the Virudhunagar case.

The renewal of the annual licence under section 249 of the District municipalities Act is a matter within the discretion of the municipal council, and if the municipal council chooses on good grounds not to renew the licence, it cannot be said to be under a legal obligation to pay compensation to the licensee.the renewal of whose licence is refused. The municipal council has a very large discretion in regard to the grant or refusal of the licence--please see 8 Madras High Court Reports 151 and 51 M.L.J. 704. It is ofcourse not entitled to act arbitrarily or capriciously--I.L.R.28 Madras 520 and 53 M.L.J. 810. But the mere fact that a licence has been renewed for many years does not necessarily entitle the licensee to a renewal of his licence automatically or as a matter of right. The refusal of the licence in such cases will however require very strong grounds.

K.V.R.
29.6.39.

P.A.N.
30.6.39.

Note submitted & approved under on C.F. 9/11 S on the Virudhunagar case

Edn. & P.H. Deptt.

Secretary, E & P.H. has telephoned from Ooty to say that the representatives of the Commonwealth Engineering Works, Mangalore, ~~were~~ was with him and complained that the licence for his factory was not renewed by the Commissioner, Mangalore Municipality, and as a result of this the factory has to be closed down and 140 men are out of work and several other tile factories which were depending on this factory (Commonwealth Engineering works) for their materials are also affected thereby. The Commissioner ostensibly issued the instructions in view of Govt. Memo No.20506/El P.H., dated 30-6-1939.

A telegram may issue to the Commissioner asking him to grant a temporary licence pending examination of the question by Government.

The factory changed over in to Elec drive ~~last July~~ June last year.
The notice of refusal of license was issued without giving any notice to them.
A telegram may issue asking the Comm to grant temp'y license pending examination of the question by Govt.

Orders may be obtained
in circulation to relax
the conditions of the G.O
at (U)

Special

OM
11/7

The telegram to the Commissioner
has been issued — p/cf

2. The memo ~~of~~ p. 9 g (E)
was issued with reference to the
orders of H.M.(Pt.) on pp 26-28
G.O 2299 (Pt 8) 29-6-39. (L) Proforma on p30 g (L)

3. In the present case, the
electric motor which has
replaced a steam engine
is of 32 H.P. In view p 1 g (E)
of the D.T. P.'s recommendation
of p. 2 g (E) and in the
circumstances stated on p. 1 ante,
the conditions in G.O. (U) may

perhaps be relaxed as a special case, in favour of the factory in question. The case may be circulated to H.M.(Pb) for orders.

[I regret that the memo no. 20516-2E, PH dt 30.6.39 (E) issued without being seen by Secy or HM.]

SRK
11-7-39

S.

I asked Mr Under Secretary to issue the telegram in view of the serious situation arising from an old established factory suddenly being closed down. Labour was out of work & we might have been sued for loss owing to loss of business!

H.M.'s views were clearly expressed at pages 26–28 of the file as I last saw it. I do not think that he contemplated such drastic steps as were taken in this case.

The change from steam to

Electric power was made a year ago, and it would seem too severe a step to order the closure & immediate removal of a factory so long established as that now in question.

Does H.M. agree that exception must be made in the case of installations made before the issue of the recent G.O.? I agree that it will in some cases make it more difficult to carry out that part of the G.O. which says that such factories should be removed, "as soon as possible" into industrial areas, but that is going to be difficult to give effect to anyway!

[signature]

12.2.19

M. (P.W.) Town planning has to be carried on in spite of the difficulties attendant on it. When once industrial areas are marked the factories ought to move into them. But in no case should a new use or additional installation be permitted. Exceptions

GWA
14/7

Record - n
Secy
3.30 p.m.
on 12

Pack on slip 2-3 CF
+ more on slip 1-26 (?
Source added

to this rule may be to become necessary under certain conditions. But exceptions ought not to become the general rule. Preparation of moulds etc are heavy industries and are injurious to the health of the people living in the locality. Since this industry is an old one and the residents do not seem to complain this may be treated as an exceptional case & permission may be granted through the Commissioner

14.7.39

A draft order is submitted for approval

14/7

I would venture to submit that the G.O. 2299 dt 29/6/39 may be suitably modified in view of similar circumstances arising as in this file. Secy should see both cases.

SRK
15/7/39

(L)

SECRETARY TO GOVERNMENT
14 JUL 1939
PUBLIC HEALTH DEPARTMENT

The order in this case may issue, as
Sule Nan desires with Pleasure V.S

Lee
17.7.39

Some action putup

SRK
17/7/39.

[Issued as G.O. No 2529 (P) dated 17-7-39]

The case is resubmitted
to Please see ff.
19/7 SRK
19/7/39.f

S.

I think the main point to be considered in this particular case is the fact that the change over from steam to electric power took place long (nearly a year) before the issue of the G.O.

Provided the G.O. is applied to all future cases, I doubt if the principles underlying it are likely to cause any great hardship: people who propose to install new power moves will know that they must

Keep them below 20 h.p. or move their factories into industrial areas.

HE
28.7.39

actions taken separately

DRY
26/7.

E&S

63/1717

Cm. 27726 from the Representatives of the employees of the Commonwealth Engineering Works, Mangalore, Petn. dt 10-7-39

E

Licence – Mangalore Municipality – Commonwealth Engineering Works – outside industrial area – Grant of licence – Approved as a special case –

Govt 2529 Pd. 17-7-39 Mrs.

In supersession of memo no. 20516-2E, Pd. dated 30-6-'39, the Govt: approve as a special case, the proposal of the Mangalore Municipal Council in its resolution no 43 dated 27-2-39 to grant licence for the installation of an electric motor of 32 H.P. in place of

(E)

(E)

15/1

a Steam engine of 11 H.P. - for C.F
in the Common wealth
Engineering Works -
Mangalore Which
is outside the industrial
area.

CL
14/7

SRG
15/7/39

for D.T.P.

To
The Comm:
Mangalore Mpy
Mo Precnic.
Mangalore
" D.T.P.
" S.P.H.

18/7